

5th QUARTERLY PROGRESS REPORT

2nd Quarter 2022

PROTECO LANDFILL SUPERFUND SITE

Peñuelas, Puerto Rico

Report Date: July 15, 2022

Reporting Period: April 1, 2022 through June 30, 2022

This Quarterly Progress Report was prepared by *de maximis, inc.* for the PROTECO Site (Site) on behalf of the Proteco Landfill Superfund Site Generators Parties Group (Group), pursuant to Paragraph 34(a) of the Administrative Settlement Agreement and Order (Order) on Consent for Remedial Investigation (RI) /Feasibility Study (FS) and Section XIII, Task 12, of the Statement of Work (SOW) attached to the Order as Attachment C.

QUARTERLY PROGRESS REPORT ELEMENTS

The four (4) Quarterly Progress Report Elements, and their sub-elements, are defined in the SOW, Task 12 and are itemized below:

1. Summary of Settlement Agreement Compliance Actions Performed this Quarter

1.1 Installation of SWPPP Best management Practices (BMPs)

The BMPs required for Waste Unit 14 were installed from April 11 through April 14, 2022, in accordance with the EPA approved SWPPP. There was a delay in receiving the BMP materials for Waste Unit 14 due to supply chain issues. The BMPs for the remainder of the Site were installed during the preceding quarter. Photographs of some of the BMPs are included in Attachment A.

1.3 Site Vegetation Clearing

Site vegetation clearing began on February 15, 2022 and concluded on April 11, 2022. Approximately thirty-five (35) acres of vegetation was cleared within the Site fences. Photographs of some of the Waste Units after the Site vegetation clearing was completed are included in Attachment A.

1.4 Site Waste Unit Survey

The survey of the waste units (WU) was completed the week of April 11, 2022. The base of the cap for each WU was staked and labeled. WU 8 was not staked since there is no visual or physical evidence of its location. Photographs of a few examples of the survey stakes are included in Attachment A.

1.5 Site Reconnaissance Visit (SRV)

The SRV was held on Tuesday, May 3, 2022, from approximately 10:00 AM until approximately 1:30 PM. The purpose of the SRV was to walk the Site, observe the current conditions and visually survey the reported locations of the WUs. Photographs of the SRV are included in Attachment A. The Group submitted the "Site Reconnaissance Visit Summary" to EPA on Wednesday June 8, 2022. A copy of the Site Reconnaissance Visit Summary is included as Attachment B.

2. **Summary of sampling and tests performed at the Site by the Respondents this Quarter**

No media sampling or laboratory testing was performed by the Group during this quarter.

3. **Summary of Work and Schedule Planned for Next Quarter (July through September 2022)**

3.1 Scoping and Planning Technical Memorandum (SPTM)

The SPTM was submitted to EPA on July 1, 2022. The submission date was approximately sixty (60) days following the Site Reconnaissance Visit.

3.2 Technical Meeting No. 1

The AOC-SOW states that Technical Meeting No. 1 is to be held thirty (30) days following submission of the SPTM. EPA confirmed that the date for Technical Meeting No. 1 is August 2, 2022. The meeting will be held remotely using the Microsoft Teams platform.

3.3 Routine Site Inspections

A routine Site inspection is anticipated to be conducted during the next quarter. The inspection would document the condition of the Site boundary fences, waste unit caps, vegetation growth, stormwater BMPs and if any livestock are present on the Site or have caused any damage to these features. An inspection might also be necessary if the Site is impacted by a hurricane or a major earthquake.

3.4 Schedule for Planned Work

A simplified Gantt chart schedule is provided with this report as Attachment C. We potentially could begin work on the RI Workplan if EPA approves the SPTM during the next quarter.

3.5 Impact of Planned Work on RI/FS Completion Schedule

The May 3, 2022 Site Reconnaissance Visit was the first major milestone in the RI/FS process with all subsequent activities, meetings and deliverables measured from that date in the schedule.

4. Summary of Problems, Delays and Solutions

4.1 Problems Encountered During this Quarter

4.1.1 Livestock Remain Present on the Site

As reported in the 1st Quarterly Progress Report (July 15, 2021), the attorney for the landowner verbally confirmed to the Group that there is no lease or grazing rights agreement between the landowner and the livestock owner. The Quarterly Reports, and several other telephone and email communications, have informed EPA that the presence of livestock at the Site presents an ongoing worker safety issue and a potential damage concern for the BMP installations, WU caps, Site fences and future RI Site work.

The Proteco Technical Committee Co-chairs and de maximis held a conference call with EPA on June 8, 2022 to discuss the livestock situation. EPA sent a letter to the livestock owner on June 23, 2022 informing him that he is to remove his animals, pens/corral, abandoned refrigerators, and other debris from the Site by July 31, 2022, and take steps to prevent debris and livestock from reentering the Site.

A copy of the email containing the conference call summary submitted to EPA is in Attachment D. A copy of the letter sent to the livestock owner is included in Attachment D.

4.1.2 Off-Site sedimentation ponds and bypass canal

In a September 27, 2021 email to EPA, the Group requested that EPA verify whether the Upper and Lower Sedimentation Ponds are a component of the Peñuelas Valley Landfill's (PVL) current NPDES permit. Based on follow-up communication with EPA, we understood that the issue was referred to the EPA NPDES section. As of June 30, 2022, the Group has not received any information from the EPA NPDES section about this issue. In a separate effort to learn about PVL's stormwater management, the Group submitted a FOIA request to EPA on November 2, 2021 to obtain copies of PVL's NPDES permit, EPA inspections, engineering plans and reports. As of June 30, 2022, the Group had received a few PVL files from EPA in response to the FOIA request. EPA indicated in a June 30, 2022 email and a July 2, 2022 letter that it is continuing to search for documents responsive to the request and that it anticipated completing the response to the FOIA request in September 2022. It would appear that EPA requires more time to complete its search of their records in response to the FOIA request.

4.1.4 Lack of existing Site boundary survey data

As reported in the 2nd Quarterly Progress Report, the surveyor determined that no public land records or private lease records exist which contain any survey data or specific location information regarding the Site boundaries. The surveyor also could not find any public records with the legal boundaries for the two (2) landfill operations which are adjacent to the Site, namely the PVL and the Ecosystems landfill. The landowner's attorney did not have any records that describe the Site boundaries. As a result, the approximate Site operational boundaries have been established through surveying the barbed wire fence that now surrounds the Site.

4.1.5 No visual evidence of the Location for Waste Unit 8

Once the vegetation had been cleared from the western section of the Site, Geosyntec attempted to determine the location of Waste Unit 8. Geosyntec could not find any physical evidence of the waste unit in the location, as described in the historical Site documents or shown on the historical Site figures. The SRV attendees also observed the reported Waste Unit 8 area and the lack of physical or visual evidence which might indicate the potential location of the waste unit.

4.2 Anticipated or Potential Problems Next Quarter

Until the livestock are removed from the Site, the potential remains for the animals to stop or interfere with Site maintenance and the upcoming RI work. The livestock have caused damage to the Site fences and BMPs and caused work stoppages during the previous quarter. The Group anticipates that the livestock will remain a problem at the Site until they are removed. In a letter dated June 23, 2022, the EPA directed the livestock owner to remove his animals from the Site by July 31, 2022 (letter is included in Attachment D). Any animal pens, corral, abandoned refrigerators and other debris remaining on the Site after that date will be considered abandoned and will be removed from the Site. The area where the livestock pen and corral are located is needed for the Site trailers, parking lot and materials staging in support of upcoming RI work. In August 2022, the gates to the Site will be locked and the Site fence will be inspected.

4.3 Schedule Delays Encountered This Quarter

No schedule delays were encountered during this quarter.

4.4 Anticipated or Potential Schedule Delays Next Quarter

No schedule delays are anticipated during the next quarter.

4.5 Solutions Implemented to Address Actual Problems or Schedule Delays This Quarter

The field work was completed on, or ahead, of schedule this quarter. The delay in the Site vegetation clearing work at the beginning of this quarter due to the mechanical issues with the mowers did not affect the overall schedule as this work was completed on April 11, 2022. The unplanned fence repairs caused by the livestock during this quarter did not affect the overall schedule.

4.6 Solutions Planned to Address Anticipated Problems or Schedule Delays Next Quarter

EPA will be contacted should the livestock present a worker or visitor safety issue. Should the livestock, adverse weather conditions, public health issues (e.g., the Covid 19 pandemic), and/or other issues, prevent the Group from performing routine Site inspections, maintenance or other Site work required for meeting the upcoming RI schedule, the Group will consult with EPA to request an extension.

Attachment A

Photographs



BMPs along access road to Waste Unit 14



BMPs installed in storm drainage channel near west Site boundary



BMPs along northwestern Site boundary



General view of Waste Units 2 & 3 after vegetation clearing



General view of Waste Unit 1 after vegetation clearing (Waste Units 2 & 3 in background)



General view of Waste Unit 14 after vegetation clearing



General view of CAMU 9 after vegetation clearing



Survey stake No. 2 at the base of the cap for Waste Units 2 & 3



Survey stake No. 5 at the base of the cap for Waste Unit 7



Survey stake No. 9 at the base of the cap for Waste Unit 13



Livestock Pen and Abandoned Refrigerators Near West Gate



A Group of Six (6) Horses Near CAMU 9 and West Gate



Todd Kafka in Bypass Canal, May 3, 2022



Raul Colon in Bypass Canal, June 25, 2021



West Abutment Lower Sedimentation Pond Dam, May 3, 2022



West Abutment Lower Sedimentation Pond Dam, June 25, 2021

Attachment B

Site Reconnaissance Visit Summary



de maximis, inc.

450 Montbrook Lane
Knoxville, TN 37919
865-691-5052 phone
865-691-6485 fax

-Via Email-

Luna.Zolymar@epa.gov
Leshak.Andrea@epa.gov

June 8, 2022

Zolymar Luna Díaz, RPM
United States Environmental Protection Agency, Region 2
Caribbean Environmental Protection Division
City View Plaza II Suite 7000
Road PR-165 KM 1.2
Guaynabo, PR 00968

Andrea Leshak, Esq.
Attorney-Advisor
United States Environmental Protection Agency, Region 2
Office of Regional Counsel
290 Broadway
17th Floor
New York, NY 10007

Subject: Submission of the May 3, 2022 Site Reconnaissance Visit Summary for the Proteco Landfill Superfund Site, Peñuelas, Puerto Rico

Dear Ms. Luna and Ms. Leshak:

I write on behalf of the PROTECO Landfill Superfund Site potentially responsible parties' group ("Group"), pursuant to Paragraph 34(a) of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study ("Order") and Section II (A), of the Statement of Work attached to the Order as Appendix C. In accordance with the Order and SOW, we are submitting this summary of the May 3, 2022 Site Reconnaissance Visit (SRV) to the United States Environmental Protection Agency ("EPA").

The Group is submitting the SRV Summary to EPA to document the event. The SRV Summary also documents the attendees and the general condition of the Site at the time of the visit. Please contact me if you require additional information or have any questions regarding the SRV Summary.

Sincerely,

Daniel N. Gainer, PG
Project Coordinator

Cc: Proteco Landfill Superfund Site Technical Committee
Mike Miller, *de maximis, inc.*
Jaime Feliciano, Geosyntec, Project Consultant

Allentown, PA • Clinton, NJ • Knoxville, TN • Farmington Hills, MI • Riverside, CA
St. Charles, IL • Sarasota, FL • Jacksonville, FL • Houston, TX • Windsor, CT • Waltham, MA

PROTECO LANDFILL SUPERFUND SITE
Peñuelas, Puerto Rico
Site Reconnaissance Visit Summary

1. Introduction

The PROTECO Landfill Superfund Site potentially responsible parties' group (Group), pursuant to Paragraph 34(a) of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/ Feasibility Study (Order) and Section II (A), of the Statement of Work (SOW) attached to the Order as Appendix C, submits this summary of the Site Reconnaissance Visit (SRV) to the United States Environmental Protection Agency (EPA).

The SRV for the Proteco Landfill Superfund Site (Site) was held from approximately 10:00 AM until approximately 1:30 PM on Tuesday, May 3, 2022. The purpose of the SRV was to walk the Site, observe the current conditions and visually survey the reported locations of the Waste Units (WUs).

The following is a list of the EPA Representatives that attended the SRV:

- Zolymer Luna RPM, EPA Region 2;
- Omar Santiago, Department of Natural and Environmental Resources (DNER);
- Pascual Velázquez, DNER;
- Michael Valentino, CDM Smith, EPA's oversight contractor; and
- Guillermo Hernandez-Lopez, CDM Smith.

The following is a list of the Group representatives that attended the SRV:

- Mike Miller, de maximis;
- Dan Gainer, de maximis;
- Todd Kafka, Geosyntec;
- Jaime Feliciano, Geosyntec;
- Rachel Zajac-Fay, Geosyntec; and
- Raul Colon, Checkpoint.

2. Summary of the SRV Observations

The SRV participants met near the west gate and held a brief health and safety meeting at the beginning of the SRV. Heat stress, personal hydration and trip hazards while walking the Site were discussed in the meeting. The weather was hot (85°F) and sunny during the SRV.

There were seven (7) horses present inside the Site fence near the west gate area. The horses were observed by the EPA representatives and the Group representatives. The horses remained in the general area of the animal pen and Corrective Action Management Unit (CAMU 9) during the SRV. The EPA representatives were shown the animal pen, loading chute and a barbed wire corral that are located near the west gate inside the Site. The EPA representatives were shown the abandoned refrigerators which the livestock owner uses to water his animals. Photos 1 through 4 show the livestock pen, abandoned refrigerators and horses in the west gate area.

The Group representatives asked for EPA's assurance that they will follow through with the livestock owner to have the animals removed from the Site. Zolymer Luna stated she would contact the livestock owner. The horses remained away from the group during the SRV.

Jaime Feliciano explained to the group that the boundary stakes for each waste unit (WU) are located at the base of the cap slopes and are labeled. Jaime noted that earlier maps of the Site depicted the tops of the caps on all the WUs and did not capture the total extent of each cap because the base of the cap slopes had not been surveyed. The figures that will be included in the Scoping Planning and Technical Memorandum (SPTM) will show the total surveyed cap area for each WU.

The group discussed that clearing the vegetation and small trees with diameters less than four (4) inches across the Site prior to the SRV greatly improved access to all the WUs and the ability to see them and other Site features.

2.1 Waste Unit 5 (WU 5)

The SRV group began by walking from the west gate area to WU 5 which is reported to be a former drum burial area. Jaime Feliciano pointed out the survey stakes that marked the base of the WU to the group. Jaime also showed the remnants of an old electric transmission tower location on the north side of WU 5 to the group. Old insulators, guy wires and other related debris are present in this location. Photo 5 shows a general view of WU 5.

2.2 Waste Unit 1 (WU 1)

The group walked from WU 5 to WU 1. There is an old access gate present in the fence on the north side of WU 1. The broken strand of barbed wire observed by EPA on April 14, 2022, was adjacent to this gate. It would appear that this strand of wire was broken by a tree limb because the brush on the outside of the fence is too dense for the livestock to pass through to access it. The broken strand of wire will be repaired during a future Site inspection visit. Photo 6 shows a general view of WU 1.

EPA asked questions about the age of the passive gas vents in the WU 1 cap. Geosyntec responded that it is assumed that they were installed on or about 1999. Geosyntec stated that no construction records have been found for WU 1.

2.3 Waste Unit 2 and Waste Unit 3 (WU 2 and WU 3)

The group walked from WU 1 to WU 2 and WU 3. The 2019 HRS Report (Weston 2019) stated that WU 2 and WU 3 were to be capped at the same time and both WUs share a single continuous cap. WU 2 and WU 3 are at the highest elevation on the western portion of the Site. These WUs were reported to be drum disposal areas. Yellow flagging to the northeast of WU 2 and WU 3 which marked a potential PR Nightjar nesting area was shown to the group. Photo 7 shows a general view of WU 2 and WU 3.

2.4 Waste Unit 7 (WU 7)

The group walked from WU 2 and WU 3 to WU 7. WU 7 was reported (Weston 2019) to be a former neutralization pit. The neutralization pit was used to alter the pH level of potentially corrosive wastes by

dilution or chemical neutralization so the treated material could be stored and/or transported in compliance with transportation and/or environmental regulations. The neutralization pit was reported (Weston 2019) to have been excavated into the soil and did not have a liner. Photo 8 shows a general view of WU 7.

2.5 Waste Unit 14 (WU 14)

The group walked from WU 7 to WU 14. WU 14's eastern limit is the boundary with Ecosystems. WU 14 is the largest of the WUs and encompasses approximately eleven (11) acres. WU 14 is at the highest elevation on the eastern portion of the Site. WU 14 is reported (Weston 2019) to be a non-hazardous unit. Photo 9 shows a general view of WU 14.

2.6 Above Ground Storage Tanks (ASTs)

The group walked to the four (4) ASTs located across the access road from the southwest corner of WU 14 and to the east of the reported (Weston 2019) location for WU 8. The ASTs lie horizontally and have the approximate dimensions of 10-feet in diameter by 50-feet in length (estimated 30,000-gallon capacity each). In a September 23, 2005 Site Reassessment letter from the Puerto Rico Environmental Quality Board (EQB) to the USEPA included as an appendix in the 2019 HRS Report, it was reported that these ASTs were used to collect non-hazardous wastewaters and were emptied and cleaned before PROTECO ceased their operations. No attempt was made during the SRV to open or inspect the ASTs to determine if any liquids were present. Photo 10 shows a partial view of the AST area.

2.7 Waste Unit 8 (WU 8)

The group walked from the ASTs to the reported (Weston 2019) general location of WU 8. No visual indicators are present to define the location of WU 8. No survey data for WU 8 was contained in the HRS Report (Weston 2019). Since there is no physical/visual indication for the location of WU 8 it was not possible for Geosyntec to place survey stakes for this WU with any reasonable degree of certainty. A small mound of soil with apparent liner material is located to the west of the reported WU 8 location. However, at this time it is not possible to know if this material was associated with WU 8. Photo 11 shows a general view of reported location of WU 8.

2.8 Corrective Action Management Unit (CAMU) 9

The group walked from the WU 8 area past the livestock pen and barbed wire corral to CAMU 9. Horses were present near CAMU 9 during this portion of the SRV. CAMU 9 is reported (Weston 2019) to include the former oil evaporation pond and Waste Units (WUs) 10, 11, 12 and 16. All of these WUs are located under a single continuous cap. A small concrete structure located on the west flank of CAMU 9 is reported (Weston 2019) to have been used as a leachate pump house. Gas vents are located along the crest of CAMU 9. Photo 12 shows a general view of CAMU 9.

2.9 Waste Unit 13 (WU 13)

The group walked to WU 13 which is located to the east-southeast of CAMU 9. An erosion area is located on the west flank of WU 13. Liner material appears to be exposed in this erosion area (see photo 13).

2.10 Waste Unit (WU 17)

WU 17 was viewed by the group from the southern end of CAMU 9. The group could see that the vegetation had been cleared on top of WU 17. The vegetation on the western side slope of WU 17 was not cleared due to the steepness of the slope.

2.11 Sedimentation Ponds and Bypass Canal

The group left the Site and drove to the parking area near the two (2) sedimentation ponds south of the Site. New signs had been posted for the sedimentation ponds (see photographs 14 through 16). These signs were not posted by the Proteco Group. de maximis conveyed to EPA Proteco Group's continued concern about the bypass canal. The bypass canal was not constructed by the Proteco Group and redirects stormwater from the EC Waste facility and the [northern] portion of the Proteco Site away from the sedimentation ponds. Zolymer stated that she would like information about the 1999 Proteco Resource Conservation and Recovery Act (RCRA) closure plan(s) and any plans/information about the sedimentation ponds contained in those plan(s). Zolymer asked if the Valdeviesos (the landowners) had approved building the sedimentation pond(s), which could not be answered by the Group representatives that attended the SRV.

de maximis and Geosyntec walked to the bypass canal and took pictures to document the conditions on May 3, 2022 to compare them to photos taken on June 25, 2021. Photos 17 through 20 compare the condition of the bypass canal and the west abutment of the lower sedimentation dam from June 25, 2021 to May 3, 2022. The photos show that the bypass canal was still present on May 3, 2022 and is still functioning to channel stormwater from EC Waste and the [northern] portion of the Proteco Site so that it does not enter the sedimentation ponds. The photos also show the current condition of the west abutment of the lower (primary) sedimentation pond dam. The bypass canal and west abutment of the sedimentation pond dam appear to be in a worse condition than was previously reported to EPA in June 2021. It would appear that the stormwater which has flowed through the bypass canal since the June 2021 visit has eroded more soil material from the sediment pond dam's west abutment and the adjacent hillside.

The SRV concluded at approximately 1:30 PM and all parties left the Site.

3.0 Conclusion

This summary provides written and photographic documentation that the Group conducted the SRV as required by Section II (A), of the SOW attached to the Order as Appendix C on Tuesday, May 3, 2022. The EPA, Puerto Rico DNER and the EPA oversight contractor participated in the SRV. All the participants observed the presence of horses, a livestock pen, barbed wire corral, abandoned refrigerators and other debris near the west gate. All the participants walked the Site and viewed the general Site condition and the condition of the WUs located within the Site boundary. All the participants viewed the sedimentation ponds and could observe the presence of a stormwater bypass canal located on the west side of these ponds.

The next action required by Section II of the SOW is the submission to EPA of the Scoping Planning and Technical Memorandum (SPTM) sixty (60) days following the SRV.

PHOTOGRAPHS



Photo 1: Livestock Pen and Abandoned Refrigerators Near West Gate



Photo 2: Horses and Debris Near Livestock Pen in West gate Area



Photo 3: A Group of Six (6) Horses Near CAMU 9 and West Gate



Photo 4: Livestock Pen, Abandoned Refrigerators and Horses Near West Gate



Photo 5: General View of WU 5



Photo 6: General View of WU 1 (WU 2 and WU 3 in background)



Photo 7: General View of WU 2 and WU 3



Photo 8: General View of WU 7 (EC Waste in background)



Photo 9: General View of WU 14



Photo 10: Partial View of AST Area



Photo 11: General View of Reported Location of WU 8



Photo 12: General View of CAMU 9



Photo 13: View of Erosion Area on Side Slope of WU 13



Photo 14: Sign for Sedimentation Pond 1 (Lower Dam and Spillway Pipes in background)



Photo 15: Sign for Sedimentation Pond 2



Photo 16: Signs Near Sedimentation Ponds



Photo 17: Todd Kafka in Bypass Canal, May 3, 2022



Photo 18: Raul Colon in Bypass Canal, June 25, 2021



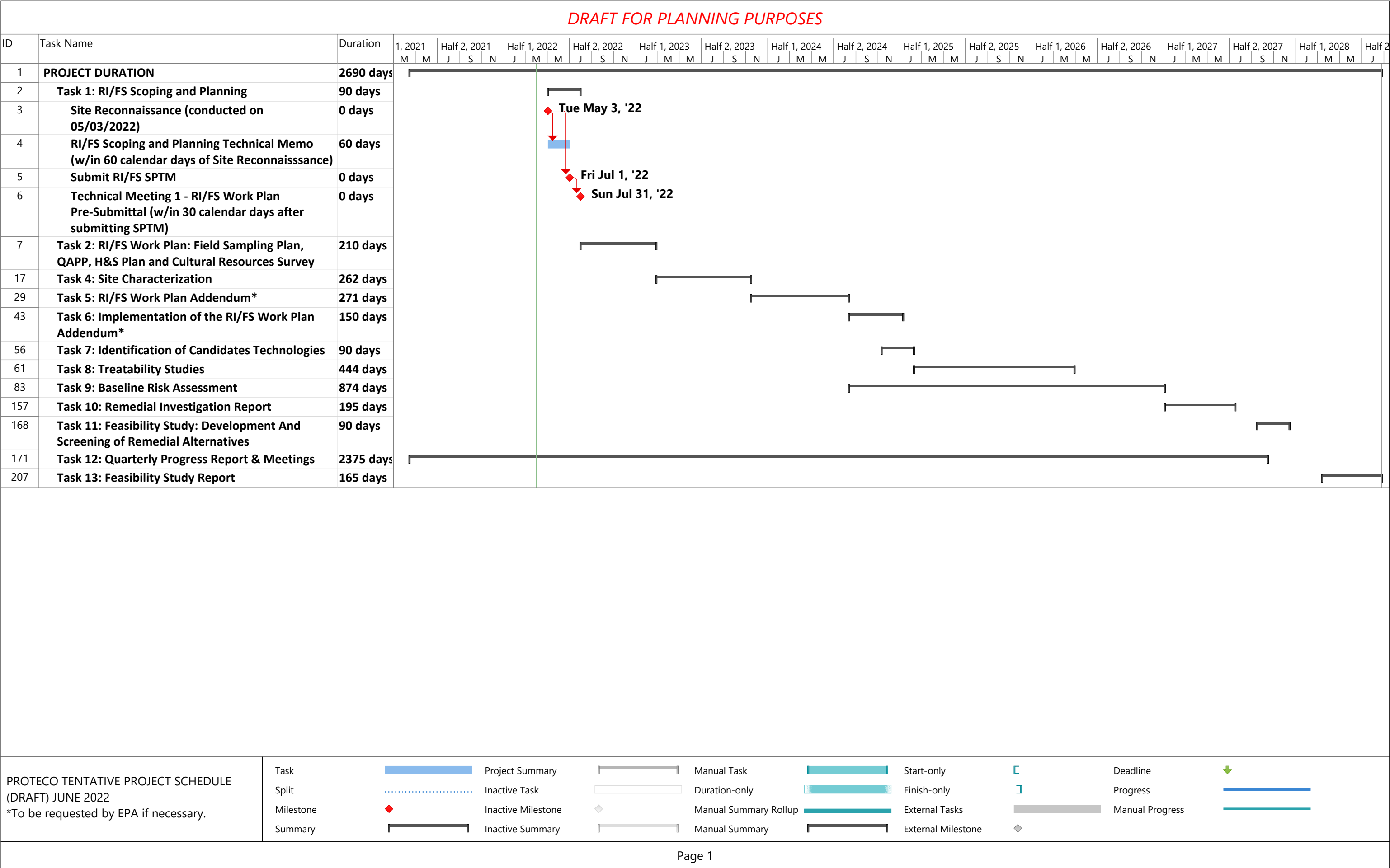
Photo 19: West Abutment Lower Sedimentation Pond, May 3, 2022



Photo 20: West Abutment Lower Sedimentation Pond, June 25, 2021

Attachment C

Gantt Chart Schedule



Attachment D

**June 21, 2022 Summary of June 8, 2022 EPA
Conference call**

with

**June 24, 2022 EPA Follow-up Correspondence
and**

June 23, 2022 EPA Letter to the Livestock Owner

Dan Gainer

From: Leshak, Andrea <leshak.andrea@epa.gov>
Sent: Friday, June 24, 2022 11:14 AM
To: Guariglia, Dale
Cc: kdavis@foxrothschild.com; Lexi Jaluria (lexi.jaluria@milliporesigma.com); 'Lisa Cich'; Dan Gainer; Luna, Zolymar; Michael Miller
Subject: RE: Proteco Landfill Superfund Site - Livestock
Attachments: Notification Letter - Gates Closure- Spanish Draft Letter to Mr. Serna.pdf

**** WARNING EXTERNAL SENDER ****

Dale,

Thank you for your email.

I am writing to let you know that EPA had a phone conversation with Mr. Serna regarding the livestock and the debris at the PROTECO Superfund Site. EPA also mailed the attached letter to Mr. Serna, confirming the details of the aforementioned conversation.

Please note that during the phone conversation, Mr. Serna indicated that he has not encouraged or purposely allowed any livestock to enter the Site.

EPA recommends that an inspection of the entire fence be completed on or around the same day that the gates at the Site are to be locked. We request that the PRP Group perform this task and document it via video or photos.

Please let us know if you have any questions or would like to discuss the above.

Many thanks,
Andrea

From: Guariglia, Dale <daguariglia@bclplaw.com>
Sent: Tuesday, June 21, 2022 10:21 AM
To: Leshak, Andrea <leshak.andrea@epa.gov>
Cc: Davis, Karen <KDavis@foxrothschild.com>; Lexi Jaluria (lexi.jaluria@milliporesigma.com) <lexi.jaluria@milliporesigma.com>; 'Lisa Cich' <LisaAnn.Cich@emdgroup.com>; 'Dan Gainer' <dgainer@demaximis.com>; Luna, Zolymar <Luna.Zolymar@epa.gov>; Michael Miller <m2@demaximis.com>
Subject: RE: Proteco Landfill Superfund Site - Livestock

Andrea,

Thank you again for Zolymar, Jim, and you joining us for our call on June 8th to discuss the livestock situation on the Proteco Superfund Site. This is obviously a unique situation having livestock regularly coming onto a Superfund Site where the livestock is not owned by the Site owner. As we discussed, the livestock presents safety concerns to the workers on the Site, and with the additional equipment which will be brought onto the Site as the RI work gears up, there is a risk to the livestock themselves.

We appreciate that EPA is going to send a letter to the livestock owner informing him that he is to remove his animals, pens/corral, abandoned refrigerators, and other debris from the Site by a specified date, and take steps to prevent debris and livestock from reentering the Site. At such time, the PRP Group is going to lock the gates to the Site, so it is important that he remove any remaining animals from the Site or they risk being trapped in the Site. If he fails to remove the animal pens/corral, and other debris from the Site by such date, then the PRP group will remove all of it and dispose of it. As we discussed, exactly where the livestock pens are located now is where the Group plans to install a gravel pad to be used for parking and as a staging area for various equipment required for the RI work.

Please copy the PRP Group and the Site owner on your correspondence to the livestock owner.

Thank you,

Dale



DALE A. GUARIGLIA

Partner

BRYAN CAVE LEIGHTON PAISNER LLP - St. Louis, MO USA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

June 23, 2022

Víctor Serna Vega
HC-0121454
Peñuelas, PR 00624

RE: PROTECO *Superfund Site*, Peñuelas, Puerto Rico

Estimado Sr. Serna:

La siguiente es para informarle, que la Agencia de Protección Ambiental de los Estados Unidos estará cerrando con candado aquellos portones que dan acceso al área previamente ocupada por PROTECO (vertedero de desperdicios peligrosos y ahora en investigación bajo el programa de remediación ambiental federal de Superfundo) en aproximadamente un mes, durante el **mes de julio del 2022**. Según comunicado durante la llamada del 22 de junio 2022, por este medio le notificamos y solicitamos que remueva ganado, caballos y/o cualquier pertenencia en o antes del **31 de julio de 2022**. Cualquier material o equipo que permanezca en PROTECO después del **1 de agosto 2022**, se considerará abandonado y será removido de los predios.

Si desea discutir este asunto, favor de comunicarse conmigo llamando al 787-977-5844.

Gracias por su cooperación en este asunto.

Sinceramente,

A handwritten signature in blue ink, appearing to read "Zelymar Luna Díaz", is written over the typed name and title.

Zelymar Luna Díaz
Gerente de Remediación

Cc: Mr. Cepeda (via email)
Mr. Guariglia (via email)
Ms. Davis (via email)

Translation of EPA Letter to Mr. Serna

June 23, 2022

Víctor Serna Vega HC-0121454
Peñuelas, PR 00624

RE: PROTECO Superfund Site, Peñuelas, Puerto Rico

Dear Mr. Serna:

The following is to inform you, that the US EPA will lock the gates that access the Proteco Site (hazardous waste landfill and now under investigation via EPA Superfund remediation) in approximately 1 month, during the month of July 2022. According to the communication during our July 22, 2022 call, by this letter we are providing notification and request that you remove livestock, horses and/or whatever belongings on or before July 31, 2022. Whatever material or equipment that remains on the Proteco Site after August 1, 2022, will be considered abandoned and will be removed from the lot.

If you would like to discuss this matter, please contact me via 787-977-5844.

Thank you for your cooperation in this matter.

Sincerely,

Zolymer Luna Diaz
Remediation Manager